# TENTATIVE RULINGS for CIVIL LAW and MOTION
# January 14, 2016

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Please take note that Yolo Superior Court is now located at 1000 Main Street, in Woodland.

Telephone number for the clerk in Department Eleven: (530) 406-6843

**TENTATIVE RULING**

**Case:** **Baker v. Valley Slurry Seal Co., Inc.**
**Case No. CV CV 11-1471**
**Hearing Date: January 14, 2016 Department Eleven 9:00 a.m.**

Defendants Valley Slurry Seal Company and VSS Emultech motion for monetary sanctions pursuant to Code of Civil Procedure section 128.7 against the law firm of Mancini and Associates, counsel of record for plaintiff Michael Baker, is **GRANTED**. (Code Civ. Proc., § 128.7.) The sanctions are imposed based on plaintiff's filing of the petition to vacate the arbitration award on October 22, 2015. The Court finds that the legal contentions made therein were not warranted by existing law or by a non-frivolous argument for the extension or change in existing law. The law firm of Mancini and Associates shall pay defendants $11,375.00 in attorneys' fees and a filing fee for the instant motion in the amount of $60.00 by no later than January 29, 2016. The Court reduces the hours sought for the research and preparation of both motions since it finds that the hours spent by counsel were excessive. The Court does not award fees for the time incurred by attorney McHugh on the moving papers since the statements made in the declaration of Jarred Lieber regarding her time are hearsay.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312, or further notice is required.

**TENTATIVE RULING**

**Case:** **Tapia v. Centex Homes**
**Case No. CV CV 11-1082**
**Hearing Date: January 14, 2016 Department Eleven 9:00 a.m.**

Cross-defendants and cross-complainants Travelers Property Casualty Company of America and Travelers Indemnity Company of Connecticut's (collectively "Travelers") motion for summary adjudication is **DENIED**. (Code Civ. Proc., § 437c, subd. (f)(1).) Travelers fails to show that there is an actual, present controversy for the Court to summarily adjudicate. (Code Civ. Proc., § 1060; *City of Cotati v. Cashman* (2002) 29 Cal.4th$^{th}$ 69, 79.)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).